

## REMARKS

Claims 1-9 are pending in this application. Claims 1-9 were rejected.

### **Claims Rejections under 35 U.S.C. § 103(a)**

Claims 1-3 and 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,233,455 to Ramakrishna et al. (hereinafter “Ramakrishna”). Claims 4-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ramakrishna patent in view of U.S. Patent 5,940,743 to Sunay et al. (hereinafter “Sunay”). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ramakrishna patent in view of the Sunay patent, and further of U.S. Patent 6,563,807 to Kim et al. (hereinafter “Kim”). These rejections are respectfully traversed. Applicants respectfully submit that claims 1-9 are patentable over the cited patent(s) for the reasons and explanations set forth below.

Claim 1 has been amended to recite a “method for call recovery wherein a mobile terminal’s transmit power is not controlled by a base station during call recovery comprising: transmitting a pilot strength measurement message from a mobile terminal at a first transmit power level determined by the mobile terminal; waiting a predetermined time period during which call recovery is not completed; and transmitting the pilot strength measurement message from the mobile terminal at a second transmit power level determined by the mobile terminal, wherein the second transmit power level is greater than the first transmit power level.” The amendments to claim 1 are supported in the specification by disclosure at page 25, lines 24-25 and 33-35. The Ramakrishna patent does not disclose or suggest transmitting pilot strength measurements messages at first and second transmit levels determined by the mobile terminal, wherein a mobile terminal’s transmit power is not controlled by a base station during call recovery. Instead, the Ramakrishna patent teaches the mobile, when it detects a new pilot, sending a pilot strength measurement message (PSMM) to a network via the base station with which it is currently communicating. See, column 1, lines 60-66. Typical of normal current communications with a base station in an IS95 standard cellular network is the mobile station’s transmit power being controlled by the base station. Because the

Ramakrishna patent does not disclose or suggest all the limitations of amended claim 1, Applicants submit that claim 1 is patentable over the Ramakrishna patent, and should now be allowed.

Claims 2 and 3 are allowable as depending directly from allowable independent claim 1.

Claim 4 has been amended to recite a “method, comprising: initiating a call recovery from a mobile terminal wherein the mobile terminal’s transmit power is not controlled by a base station during call recovery; transmitting a pilot strength measurement message from the mobile terminal at a first transmit power level determined by the mobile terminal, which first transmit power level is less than a maximum transmit power level; and incrementing a transmit power level from the mobile terminal prior to receiving a hand-off direction message and completion of the call recovery.” The Ramakrishna patent does not disclose or suggest transmitting pilot strength measurements messages during call recovery at a first transmit power level determined by the mobile terminal, wherein a mobile terminal’s transmit power is not controlled by a base station during call recovery. Instead, the Ramakrishna patent teaches the mobile, when it detects a new pilot, sending a pilot strength measurement message (PSMM) to a network via the base station with which it is currently communicating. See, column 1, lines 60-66. Typical of normal current communications with a base station in an IS95 standard cellular network is the mobile station’s transmit power being controlled by the base station. The Sunay patent is cited for reducing the potential for dropped calls and disclosing “and completion of call recovery”. The Sunay patent is directed to call handoff. Nevertheless, the Sunay patent discloses the mobile station transmit power level being set by the base station during call handoff. See, Figure 4, elements 408 and 410, Figure 5, element 514. Because the Ramakrishna and Sunay patent do not disclose or suggest all the limitations of amended claim 4, Applicants submit that claim 4 is patentable over the Ramakrishna and Sunay patents, and should now be allowed.

Claims 5-7 are each allowable as depending directly or indirectly from allowable independent claim 4.

Claim 8 is allowable for the reasons presented above for claim 1.

Claim 9 is allowable as depending directly from allowable independent claim 8.

### **REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants respectfully submit that all pending claims in the present invention are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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**By: /Won Tae C. Kim/  
Won Tae C. Kim, Reg. # 40,457  
(858) 651 - 6295**

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502